

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

VANCE MARCEL GIBSON)	
)	
Petitioner,)	
)	
v.)	1:18CV22
)	1:18CV259
)	6:93CR211-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On April 30, 2018, the United States Magistrate Judge's Recommendations were filed and notices were served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections (Doc. 343) to the Recommendations within the time limit prescribed by Section 636. The court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendations (Docs. 336, 338), which are affirmed and adopted. As noted in the Recommendations, to the extent Petitioner is raising a § 2255 challenge to the January 26, 2018 revocation sentence, that motion will be dismissed without prejudice to being refiled after the direct appeal has ended. To the extent Petitioner is raising a § 2255 challenge to the underlying conviction and sentence in this case, Petitioner must first obtain authorization to file a second or successive § 2255 Motion from the Court of Appeals for the Fourth Circuit.

IT IS THEREFORE ORDERED that these actions (Docs. 321, 334) are dismissed without prejudice. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

August 1, 2018